

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated January 22, 2007 has been received and its contents carefully reviewed.

Paragraphs 0067, 0068, 0074, 0076, and 0078 of the specification are hereby amended. Claims 1-2 are hereby amended; claims 4-6, 8, 23, 26-42, and 45 are hereby canceled. Support for the claim amendments can be found at least at paragraph 0046 of the specification. Claims 43-44 were canceled previously. No new matter has been added. Accordingly, claims 1-3, 7, 9-22, 24-25, and 46 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action rejects claims 1-2, 10, 12-13, 15-17, 19-22, 25-27, 29-30, 41-42, and 45 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,436,559 to Ueno et al. (hereafter “Ueno”) as evidenced by U.S. Patent No. 4,769,292 to Tang et al. (hereafter “Tang”). Because claims 26-27, 29-30, 41-42, and 45 are canceled, this rejection is moot with respect to claims 26-27, 29-30, 41-42, and 45. Applicants respectfully traverse the rejection of claims 1-2, 10, 12-13, 15-17, 19-22, and 25.

As required in M.P.E.P. § 2131, in order to anticipate a claim under 35 U.S.C. § 102, “the reference must teach every element of the claim.” In addition, a 35 U.S.C. § 102 rejection over multiple references is proper if “the extra references are cited to: (A) Prove the primary reference contains an ‘enable disclosure;’ (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent.” M.P.E.P. § 2131.01.

Amended claim 1 recites “an anode opposing the cathode, the anode comprising a material selected from a group consisting of aluminum and silver” (emphasis added). Ueno fails to teach or suggest at least this element of claim 1. In fact, Ueno discloses that materials for an anode include “metal, such as gold, platinum, nickel, palladium, cobalt, selenium and vanadium, and their alloys; metal oxides, such as tin oxide, zinc oxide, indium tin oxide (ITO), and indium zinc oxide; and electroconductive polymers, such as polyaniline, polypyrrole, polythiophene, and

polyphenylene sulfide.” Ueno, column 23, lines 42-51. Ueno does not teach that materials for an anode include aluminum and silver. Tang also fails to teach at least the above-recited element of claim 1, or to show that the above-recited element of claim 1 is inherent. In fact, Tang is cited for disclosing that indium and tin are both materials having a work function not greater than 4.5 eV. Accordingly, claim 1 is allowable over Ueno and Tang. Claims 2, 10, 12-13, 15-17, 19-22, and 25, which are variously depend from claim 1, are also allowable for at least the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. § 102 rejection of claims 1-2, 10, 12-13, 15-17, 19-22, and 25.

The Office Action rejects claims 1-10, 12-17, and 25 under 35 U.S.C. § 102(b) as being anticipated by PCT Patent Application Publication No. WO 01/49806 to Son et al. (hereafter “Son”) as evidence by Tang. Because claims 4-6 and 8 are canceled, this rejection is moot with respect to claims 4-6 and 8. Applicants respectfully traverse the rejection of claims 1-3, 7, 9-10, 12-17, and 25.

Amended claim 1 recites “an anode opposing the cathode, the anode comprising a material selected from a group consisting of aluminum and silver.” Son fails to teach at least this element of claim 1. In fact, Son discloses that materials for a transparent electrode include “metal oxides or oxides of mixed metals such as tine oxide, indium tin oxide, znic oxide, indium zinc oxide ... and metals having high work function such as gold, or conductive polymers in which appropriate dopants are added to polymers such as PEDOR (poly[3,4-(ethylene-1,2-dioxy)thiophene], polyaniline, polypyrrole, polythiophene.” Son does not teach that materials for a transparent electrode include aluminum and silver. Tang also fails to teach at least the above-recited element of claim 1, or to show that the above-recited element of claim 1 is inherent. Accordingly, claim 1 is allowable over Son and Tang. Claims 2-3, 7, 9-10, 12-17, and 25, which variously depend from claim 1, are also allowable for at least the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1-3, 7, 9-10, 12-17, and 25.

The Office Action rejects claims 1-30, 41-42, and 45 under 35 U.S.C. § 103(a) as being obvious over Son in view of Tang. Because claims 4-6, 8, 23, 26-30, and 41-42 are

canceled, this rejection is moot with respect to claims 4-6, 8, 23, 26-30, 41-42, and 45.
Applicants respectfully traverse the rejection of claims 1-3, 7, 9-22, and 24-25.

As required in M.P.E.P. § 2143.03, in order to “establish a *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” Son and Tang, either singularly or in combination, fail to teach or suggest every element of claims 1-3, 7, 9-22, and 24-25, and thus, cannot render claims 1-3, 7, 9-22, and 24-25 obvious.

As discussed above, Son fails to teach or suggest at least the above-recited element of claim 1, namely, “an anode opposing the cathode, the anode comprising a material selected from a group consisting of aluminum and silver.” Tang fails to cure the deficiency in Son with respect to claim 1. Accordingly, claim 1 is allowable over the combined teaching of Son and Tang. Claims 2-3, 7, 9-22, and 24-25, which variously depend from claim 1, are also allowable for at least the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection with respect to claims 1-3, 7, 9-22, and 24-25.

The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911.

Application No.: 10/722,812
Amdt. dated June 14, 2007
Reply to Office Action dated January 22, 2007

Docket No.: 29137.051.00

Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: June 14, 2007

Respectfully submitted,

By 

Mark R. Kresloff

Registration No.: 42,766

McKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorneys for Applicant